

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

OCT 22 1991

BARBARA A. EVERLY, CLERK

In re:

CHAPTER 7

Case No.

GERALD P. TOOMEY  
LEE ANN TOOMEY Debtor

L91-00433D

GERALD P. TOOMEY AND  
LEE ANN TOOMEY Plaintiff

v.

STATESMAN BANK Defendant  
and  
IOWA COLLEGE STUDENT AID  
COMMISSION Intervenor

Adversary Proceeding No.

L91-0092D

**JUDGMENT**

The issues of this proceeding having been duly considered by the Honorable MICHAEL J. MELLOY, United States Bankruptcy Judge, and a decision having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED: The Iowa College Student Aid Commission shall have judgment against Lee Ann Toomey in the amount of \$9,516.83, bearing interest at 9.34% per annum from August 16, 1991 until paid, constituting the total amount of outstanding loans she owes to the ICSAC. Terms of repayment are set out in the Order of 10/17/91.



[Seal of the U.S. Bankruptcy Court]

Date of Issuance: October 22, 1991

Copies to Noel C. Hindt,  
Daniel P. Ernst, and U.S. Trustee;  
this 10/22/91 mg

BARBARA A. EVERLY  
Clerk of Bankruptcy Court

By: *Michael A. Golay*  
Deputy Clerk

Recorded: Vol III  
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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:	*	
	*	
GERALD P. TOOMEY and	*	Chapter 7
LEE ANN TOOMEY,	*	Bankruptcy No. L-91-00433-D
	*	
Debtors.	*	
	*	
GERALD P. TOOMEY and	*	STIPULATED ORDER
LEE ANN TOOMEY,	*	
	*	
Plaintiffs,	*	
	*	Adversary No. L-91-0092-D
v.	*	
	*	
STATESMAN BANK	*	
	*	
Defendant,	*	
	*	
and	*	
	*	
IOWA COLLEGE STUDENT AID	*	
COMMISSION,	*	
	*	
Intervenor.	*	

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NORTHERN DISTRICT OF IOWA  
OCT 17 1991  
BARBARA A. EVERLY, CLERK

The above-matter comes on before the Court on the Stipulation of the parties. Plaintiffs-Debtors, Gerald P. Toomey and LeeAnn Toomey, are represented by Daniel P. Ernst, Esq.; and Intervenor-Creditor, Iowa College Student Aid Commission, is represented by Noel C. Hindt, Esq.

ORDER

1. The Iowa College Student Aid Commission (herein "ICSAC") shall have a judgment against Lee Ann Toomey (herein "Mrs. Toomey") in the amount of \$9,516.83, bearing interest at 9.34% per annum from August 16, 1991 until paid, constituting the total amount of outstanding loans she owes to the ICSAC.

2. The ICSAC shall not execute upon said judgment so long


as Mrs. Toomey abides by the conditions set forth in Paragraph 3 of this Order. In the event Mrs. Toomey fails to comply with the conditions set forth in Paragraph 3, Intervenor shall, after complying with the requirements of Paragraph 4 of this Order, have the right to execute upon said judgment.

3. Mrs. Toomey shall have the right to repay the \$9,516.83 plus interest in monthly installments in the amount of \$123.00 beginning on October 1, 1991 and continuing on the 1st of every month thereafter until paid in full. All payments will first be applied to interest and then to principal.

4. In the event Mrs. Toomey fails to make any payment within 10 days after the due date, the ICSAC shall have the right to notify Mrs. Toomey of its intent to execute upon the remaining balance on the judgment and shall give her twenty (20) days from the date of receipt of the notice to cure her default. Upon the termination of the twenty day period, without cure of the default, the ICSAC may execute on the judgment.

5. Each party shall bear its own attorney's fees and costs.

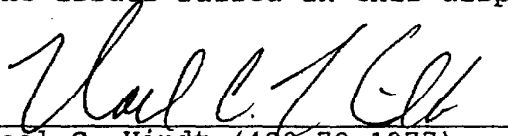
So Ordered and adjudged this 17<sup>th</sup> day of Oct., 1991.

  
\_\_\_\_\_  
Michael J. Melloy  
Chief Bankruptcy Judge

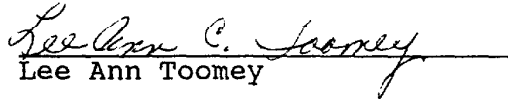
Copy to:  
Noel C. Hindt;  
Daniel P. Ernst;  
US Trustee;  
this 10-18-91, vc.

STIPULATION

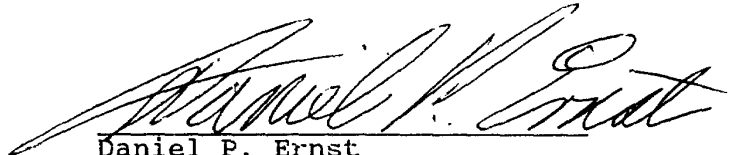
The undersigned acknowledge that they have been fully advised of the terms of the agreement; have had ample opportunity to discuss the agreement with counsel; and that the above Order constitutes the entire agreement between the parties. Further they understand the agreement and believe it to be a fair and reasonable settlement of the issues raised in this dispute.



Noel C. Hindt (480-79-1277)  
Assistant Attorney General  
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Ninth and Grand  
Des Moines, IA 50309  
Attorney for ICSAC



Lee Ann Toomey



Daniel P. Ernst  
555 Fischer Building  
909 Main Street  
Dubuque, IA 52001  
Attorney for Debtor